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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,741	01/23/2002	Michael-P. Spratt	B-4469 619470-0	5399

7590 09/30/2004

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EXAMINER	
NGUYEN, HUY D	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/057,741	SPRATT, MICHAEL P.	
	Examiner	Art Unit	
	Huy D Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-9 and 14-17* is/are rejected.

7)☒ Claim(s) *5 and 10-13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3, 6, 8, 11*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see paper No. 10, filed 06/09/2004, with respect to the restriction requirement have been fully considered and are persuasive. The restriction requirement has been withdrawn.

In the response to the restriction requirement, the applicants stated that while the applicants concur with the examiner's finding that Invention I and II and that Species A and B are patentably distinct, the applicants note that 35 U.S.C. 121 authorizes, but does not require, the USPTO to restrict an application. The applicants submit that restriction requirements should be issued only when absolutely necessary. And in view of the expense that would be imposed upon the applicants by multiple patent applications, reconsideration of the restriction requirement is requested by the applicants. Due to the reasons stated above and realizing that the complete search for both Invention I and II of this particular application would not impose serious burden on the examiner, the restriction requirement has been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-9, 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Fidler (U.S. Patent No. 6,725,051).

Regarding claims 1, 14, 16, Fidler teaches a static but movable device comprising: a short-range wireless receiver; a location-data processing arrangement for deriving an estimate of the current location of the device on the basis of location data received by the short-range receiver; a move detection arrangement for detecting indications that the device at least may have been moved, and a location-validity supervisor for determining, following detection of one or more indications by the move detection arrangement, whether the current location estimate is to be treated as still valid (col. 2, lines 51-67; col. 3, lines 1-16).

Regarding claims 2, 15, 17, Fidler teaches the device according to claim 1, wherein the move detection arrangement comprises an arrangement for detecting a said indication in the form of an indication that the device has been powered down and then powered back up (col. 4, lines 56-57).

Regarding claim 3, Fidler teaches the device according to claim 1, wherein the move detection arrangement comprises an motion detector for detecting a said indication in the form of an indication of physical motion of the device (col. 4, lines 54-55).

Regarding claim 4, Fidler teaches the device according to claim 1, wherein the device includes a network interface for connecting the device to a LAN, the move detection arrangement comprising an arrangement for detecting a said indication in the form of a change in address of the part of the LAN to which the device is connected via the network interface (col. 6, lines 61-67).

Regarding claim 6, Fidler teaches the device according to claim 1, wherein the move detection arrangement comprises an arrangement for detecting a said indication in the form of an inconsistency between newly received location data and one or both of the current location estimate and previously-received location data (col. 4, lines 13-34).

Regarding claim 7, Fidler teaches the device according to claim 1, wherein the move detection arrangement comprises at least two of the following: an arrangement for detecting a said indication in the form of an indication that the device has been powered down and then powered back up; a motion detector for detecting a said indication in the form of an indication of physical motion of the device; an arrangement for detecting a said indication in the form of a change in address of the part of the LAN to which the device is connected via a network interface of the device; an arrangement for detecting a said indication in the form of a change in the set of nearby devices from which the subject device can receive transmissions via its short-range receiver; an arrangement for detecting a said indication in the form of an inconsistency between newly received location data and one or both of the current location estimate and previously-received location data (col. 4, lines 50-67).

Regarding claim 8, Fidler teaches the device according to claim 1, wherein the location-validity supervisor is operative to determine that the current location estimate is invalid upon detection of one said indication by the move detection arrangement (col. 4, lines 13-34).

Regarding claim 9, Fidler teaches the device according to claim 1, wherein the move detection arrangement is operative to detect at least two different types of indications, the location-validity supervisor being operative to determine that the current location estimate is

invalid upon detection of a predetermined combination of indications of two or more types by the move detection arrangement (col. 4, lines 50-67).

Allowable Subject Matter

4. Claims 5, 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the cited prior arts fail to teach the device according to claim 1, wherein the move detection arrangement comprises an arrangement for detecting a said indication in the form of a change in the set of nearby devices from which the subject device can receive transmissions via its short-range receiver.

Regarding claim 10, the cited prior arts fail to teach the device according to claim 9, wherein the move detection arrangement comprises both a first detector arrangement for detecting a first said indication in the form of an indication that the device has been powered down and then powered back up, and a second detector arrangement for detecting a second said indication constituted by a change in the set of nearby devices from which the subject device can receive transmissions via its short-range receiver; the location-validity supervisor being responsive to the detection of a said first indication to query the second detector arrangement as to whether said second indication is present, the location-validity supervisor determining the current location estimate to be invalid when both said first and second indications are present.

Regarding claim 11, the cited prior arts fail to teach the device according to claim 9, wherein the move detection arrangement comprises both a first detector arrangement for

detecting a first said indication in the form of an indication that the device has physically been subject to motion, and a second detector arrangement for detecting a second said indication constituted by a change in the set of nearby devices from which the subject device can receive transmissions via its short-range receiver; the location-validity supervisor being responsive to the detection of a said first indication to query the second detector arrangement as to whether said second indication is present, the location-validity supervisor determining the current location estimate to be invalid when both said first and second indications are present.

Regarding claims 12-13, the cited prior arts fail to teach the device according to claim 1, wherein the location-validity supervisor is operative to determine that the current location estimate is invalid upon detection of multiple occurrences of one type of indication.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600